

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
No. 3:17-cv-100

ERIC H. OTIS,

Plaintiff,

v.

GASTON COUNTY SCHOOLS,
SUPERINTENDENT JEFFREY BOOKER, in his
official and individual capacities, DR. JOHN
TUTTEROW, in his official and individual
capacities, and CHRIS GERMAIN, in his official
and individual capacities,

Defendants.

NOTICE OF REMOVAL

Defendants Gaston County Schools, Jeffrey Booker, Dr. John Tutterow, and Chris Germain hereby give notice that they are removing this action to the United States District Court for the Western District of North Carolina, Charlotte Division, and as grounds therefore state as follows:

1. Plaintiff filed this action in Gaston County Superior Court captioned as *Eric H. Otis v. Gaston County Schools, Superintendent Jeffrey Booker, in his official and individual capacities, Dr. John Tutterow, in his official and individual capacities, Chris Germain in his official and individual capacities*, Case No. 17-CVS-398, on February 1, 2017 (herein after “Civil Action”). The Complaint and Civil Summons are attached as Exhibit “A” to this Notice.

2. Defendants Booker and Tutterow received the Complaint and Civil Summons on February 4, 2017. Defendants Gaston County Schools and Germain received the Complaint and Civil Summons on February 6, 2017.

3. This action arises under federal law in that Plaintiff is seeking legal and

equitable relief under 42 U.S.C. § 1981 *et seq.*, and 42 U.S.C. § 2000e (Title VII of the Civil Rights Act of 1964). Accordingly, the federal courts have jurisdiction of the matter pursuant to 28 U.S.C. §§ 1331 and 1343.

4. Defendant is entitled to remove this entire action pursuant to 28 U.S.C. § 1441.

5. The state law claims contained in the Complaint are removed pursuant to the doctrine of supplemental jurisdiction as provided by 28 U.S.C. § 1441(c).

6. The Notice of Removal is timely filed under 28 U.S.C. § 1446(b) in that it is filed within 30 days of Defendants' receipt of the initial pleading purporting to set forth the claim for relief on which this action is based.

WHEREFORE, Defendants hereby remove the Civil Action from the Superior Court of North Carolina to this Court.

This the 1st day of March, 2017.

Respectfully submitted,

/s/ Adam S. Mitchell

Adam S. Mitchell

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Attorneys for Defendants

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that a copy of the foregoing NOTICE OF REMOVAL was electronically filed with the Clerk of the Court using CM/ECF and served this day via United States mail, postage prepaid, addressed to the following:

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Attorneys for Plaintiff

This the 1st day of March, 2017.

THARRINGTON SMITH, L.L.P.

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